IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

REVIEW PETITION NO. 17 OF 2007

IN

WRIT PETITION NO. 4947 OF 2006

Harishchandra T. Jogi and others ...Petitioners

Versus

The President/Secretary,
The Wada Co-op. Education Soc. Ltd. and others ...
Respondents

Mr. R.S. Apte, instructed by Mr. V.P. Patankar for the petitioners.

CORAM: **H.L. GOKHALE, Ag. C.J.,** &
V.M. KANADE, J.

DATE: **FEBRUARY 27, 2007**.

P.C.

Heard Mr. Apte in support of this petition.

2. The application seeks review of the order dated 10th August, 2006 passed by a Division Bench of this Court to which one of us (Kanade, J.) was a party. The petitioners were transferred from Wada in District Thane to another village by name Kanchad in the same District by an order dated 30th June, 2006. They sought to challenge this transfer and, amongst others, contended that this was in breach of

Rule 41 of the Maharashtra employees of Private Schools Rules, 1981. Rule 41 (2) requires that the transfer shall not be effected in the middle of the term. This transfer was at the beginning of the term and not in the middle of the term. Mr. Apte submitted that the concerned officer of the Education Department of the Zilla Parishad brought it to the notice of the Society that they should give a good thought to the problems arising out of such transfer and sought reconsideration. Obviously, the school authorities had another view of the matter and they declined to reconsider. That is why the petition was filed and the Division Bench passed an order observing that there was no violation of Rule 41 and dismissed the petition.

3. Having heard Mr. Apte on this review petition, we are also of the view that there is no reason to recall the order passed by the Division Bench. Review petition is rejected.

ACTING CHIEF JUSTICE

V.M. KANADE, J.